LEEPER ESTATE

THIS ABSTRACT MUST BE RETURNED TO

JAS. A. CLAYTON & CO.

(A CORPORATION)

SAN JOSE, CALIFORNIA.

ABSTRACT OF TITLE

TO PROPERTY OF

W. S. Clayton

Est. A. Leeper purchase

ABSTRACT OF TITLE

TO

Lot 73.50 + 144.25 feet E. East St. 73.50 feet S. of San Fernando St.

COUNTY OF SANTA CLARA,

STATE OF CALIFORNIA,

As Shown by the Records of Said County.

Dated February 17 *1903*

MADE AT THE REQUEST OF

Clayton & Co.

San Jose Abstract Company

Bank of San Jose Building;

SAN JOSE, CALIFORNIA.

San Jose Abstract Co.

Abstract of Title.

T O

All that parcel of land situate in the County of Santa Clara, State of California, described as follows:

Commencing at a point on the Easterly line of East Street, distant 73.50 feet Southerly from the point of intersection of saidline of East Street with the Southerly line of San Fernando Street; running thence Southerly along said Easterly line of East Street 73.50 feet; thence at right angles Easterly 144.25 feet; thence at right angles Northerly 73.50 feet; and thence at right angles Westerly 144.25 feet to the point of commencement.

Being a portion of Lot No. 29 of the Subdivision of the Rancho Los Coches.

Subsequent to July 26, 1901, the date of the Decree in Partition made and entered in the Matter of the Estate of Amanda Leeper, Deceased.

ROYAL BOND

In the Superior Court of the State of California,
in and for the County of Santa Clara.

In the Matter of the Estate
of
Amanda Leeper, Deceased.

Estate No. 4417.

DECREE IN PARTITION.

Filed July 26, 1901.

The report of Robert M. Wright, the sole Commissioner appointed to make partition herein, coming on regularly this day to be heard pursuant to the order of this Court, fixing this day as the day of hearing; C. D. Wright, appearing as Attorney for the Administrator of said estate. And it appearing to the Court that pursuant to said order fixing time, copies of said order were personally served upon Madison Green, Delia Bryant and Amanda Davis on the 13th day of July 1901, more than 3 days before said day of hearing; whereupon evidence was offered and received by the Court, and it appearing therefrom that after the making of the order appointing Robert M. Wright, sole Commissioner (the appointment of a sole Commissioner having been consented to by all of the parties interested in said property and said estate; and the Court deeming it just and proper) to make partition of the real property of the estate of said deceased, there was duly issued to said sole Commissioner by the Clerk of this Court a certified copy of the order of his appointment, and that his oath of office was endorsed thereon and that said certified copies are annexed to said sole

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

Commissioner's report and made a part thereof. That all of the parties interested in said estate had due notice of the making of said partition, and that the same was participated in by them, and that the scheme of partition reported by said sole Commissioner to this Court has been agreed to by all the parties interested in said estate; and the Court being fully advised in the premises and satisfiedthat the partition made by said sole Commissioner is an equitable one.

It is hereby ordered, adjudged and decreed that the said report of said sole Commissioner Robert M. Wright, be and the same is hereby accepted, confirmed and approved.

It is further ordered,adjudged and decreed that Amanda Davis, Administratrix of the Estate of Caroline Madden, deceased, is the owner in fee, and in severalty, free from any claim or right of any kind by any of theother parties interested in said estate, and in satisfaction of her undividedinterest in the land and premises described in the decree of distribution duly made and entered by this Court in the matter of said estate; of the following described parcel of land.

All that certain parcel of land situate near the City of San Jose in the County of Santa Clara, described as follows, to wit:-

Beginning at a point on the Easterly line of East Street distant 73.50 feet Southerly from the Southerly line of San Fernado Street; and running thence Southerly along said Easterly line of East Street 73.50 feet to the land of Mitchell; thence at right angles Easterly along the line of land of Mitchell 144.25 feet; thence Northerly at right

angles 73.50 feet; thence Westerly at right angles 144.25 feet to the place of beginning.

(and to other parties in interest other property)

All the above described properties are all made subject to the lien of the mortgage made to Pietro Reale for the sum of $650.00 and interest.

It is further ordered, adjudged and decreed that said sole Commissioner be allowed for his services in making said partition the sum of $10- which is hereby made a lien upon the respective interests hereby partitioned in equal proportions, one-third each.

Done in open Court this 26th day of July 1901.

W. G. Lorigan,

Superior Judge.

Note:

A certified copy of foregoing Decree was recorded in the Office of the County Recorder of the County of Santa Clara, State of California on August 9, 1901 in Liber 10 of Miscellaneous Records, page 553.

In the Superior Court, County of Santa Clara,
State of California.

In the Matter of the Estate
of
Caroline Madden, deceased.

Estate No. 4464. Reg. K. Page 266.

1900
Mch. 17

Petition of Amanda E. Davis for Letters of Administration filed, Shows:

That Caroline Madden died on or about March 12th, 1900 in the County of Santa Clara, State of California, and at the time of her death was a resident of said County and State and left estate therein consisting of real property, the value and character of which is as follows:

An undivided interest in the estate of her deceased Mother, Amanda Leeper; and that certain house and lot known as No. 7-- Avenue, near San Jose, in Santa Clara County, California, of the probable value of $1500- That the interest in the Leeper Estate is of the probable value of $500-

That the next of kin and heirs at law are petitioner Amanda --Davis, aged 31 years residing near San Jose, and James William Bryant, aged 29 years, residence unknown to petitioner.

That due search and inquiry have been made to ascertain if said deceased left any Will and testament, but none has been found, and said

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

1900	
	deceased died intestate.
	That your petitioner is a daughter of deceased and is entitled to Letters of Administration
	Prays that a day of Court be appointed for hearing this application, that due notice thereof be given by the Clerk and that Letters of Administration issue to petitioner.
	C. D. Wright,
	Attorney for Petitioner.
Mch. 17	Clerk's office entry fixing March 30,1900 at 10 A.M. for hearing foregoing application, filed.
Mch. 20	Clerk's Notice of time and place for hearing petition for Letters of Administration with affidavit of J. J. Kennedy of posting on March 19th 1900 true copies thereof in three of the most public places (naming them) in Santa Clara County filed.
Mch. 30	Order made, entered and filed appointing Amanda E. Davis Administratrix of estate of decedent and directing Letters of Administration to issue to her upon taking the oath and giving bond in sum of $250-
	Prob.Rec.61,page 441.
May 2	Bondof Administratrix approved, filed and recorded in Book H Prob. Bonds, page 119.

1900

May 2 Letters of Administration (with oath annexed) issued to Amanda E. Davis and filed and recorded in Book G Letters, page 72.

May 4 Order made, entered and filed directing publication of Notice to Creditors.

Prob. Rec. 56, page 166.

May 4 Order appointing R. M. Wright, Frank E. Allyn and George Ball, appraisers made, entered and filed.

Prob. Rec. 54, page 464.

May 22 Inventory and appraisement filed, Shows:

Moneys None.

Real Estate.

One third interest in the estate of Amanda Leeper in the following described property, to wit:

Lying 147.01 feet on the Easterly line of East Street by a uniform depth of 188.5 feet on the Southerly line of San Fernando Street and bounded Southerly by land of Mitchell and East by land of Marr, together with improvements, which is hereby appraised at $561.00

(and other property)

Total $1161.00

All of which is separate property.

(Duly Verified.)

1901

Sept. 6 Affidavit of F. E. Pearson, principal clerk of the printers of The San Jose Herald of Publication of Notice to Creditors in said newspaper for four successive weeks from the 15th day of May 1900 to the 5th day of June 1900 both dates inclusive, that is to say: Every day to wit: May 5, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, and June 1, 2, 4, 5, Sundays May 6, 13, 20, 27 and June 3 excepted, that being asoften during said period as said newspaper was regularly issued filed.

Dec. 31 Petition of Amanda E. Davis, Administratrix &c for an Order of Sale of Real Estate, filed.

Shows: That Caroline Madden died intestate on or about March 12, 1900 in said County of Santa Clara, being at the time of her death a resident of said County and leaving estate in said County consisting of real property.

That on May 2, 1900 petitioner duly qualified as such Administratrix and that Letters of Administration of said Estate signed by the Clerk and under the seal of said Court were thereupon duly issued to petitioner, a competent person, and have not been revoked.

That petitioner duly made and returned to said Court after her appointment, to wit: on May 22, 1900 a true Inventory and Appraisement of all the estate of said deceased which has come to her

1901

possession or knowledge, and also published notice to the creditors of said decedent as required by law.

That the amount of personal estate that has come to the hands of petitioner, is the sum of $558.00 being the net proceeds of sale of a portion of the real estate belonging to this estate.

That no other personal estate has been received.

That all of said money has been disposed of in paying debts, expenses and charges of Administration and was insufficient for that purpose.

That the debts outstanding against said deceased as far as can be ascertained or estimated amount at this date to the sum of $341.30 and are fully set forth in the Schedule marked "A" hereunto annexed and made a part of this petition.

That the debts, expenses, taxes and charges of administration already accrued, amount to the sum of $25.00 and are fully set forth in the Schedule marked "B" hereunto annexed and made a part of this petition.

That the debts, expenses and charges of administration that will or may accrue during the administration are estimated by petitioner at the sum of $175.00 and are set forth in the Schedule marked "C" hereunto annexed and made a part of this petition.

Whole amount of debts outstanding against the

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

1901

deceased, of the debts, expenses and charges of administration already accrued and remaining unpaid, State and County Taxes and of the estimated debts, expenses and charges of administration that will or may accrue $541.30-

That a full description of all the real estate of which said decedent died seized or in which he had any interest, or in which the said estate has acquired any interest and the condition and value of the said real estate are set forth in the Schedule marked "D" hereunto annexed and made a part of this petition.

That said Caroline Madden was a widow at the time of her death and the whole of said property is therefore separate property.

That the following are the names and ages of the heirs of said deceased, to wit: Petitioner aged 33 years and James W. Bryant aged 31 years.

Alleges that the personal estate in the hands of petitioner is insufficient to pay the debts, outstanding against the deceased and the debts, expenses and charges of the administration and that it is necessary to sell the whole or some portion of the real estate for such purposes.

Prays that an order be made by the Court directing all persons interested in said estate to appear before said Court at a time and place specified, not less than four nor more than ten weeks from the time of making such order, to show cause why an order should not be granted to petitioner

1901

to sell so much of the real estate of the deceased as shall be necessary.

And, that after a full hearing of said petition and examination of the proofsand allegations of the parties interested and due proof of the publication of a copy of said order to show cause etc. an order of sale be made, authorizing petitioner to sell at private sale so much and such parts of said real estate as said Court shall judge necessary or beneficial; or that such other or further order may be made as is meet in the premises.

(Sgd) Amanda E. Davis.

Dated December 31, 1901.

(Duly Verified)

Annexed to and forming a part of foregoing Petition are Schedules "A" "B" "C" and "D".

Schedule "D" contains a description of all the real estate of which said decedent died seized and the condition and value thereof, to wit:

Lot No. 34 of the Madden Tract.

This has been sold.

A tract of land described as

Beginning at a point on the Easterly line of East Street distant 73.50 feet Southerly from the Southerly line of San Fernando Street at its intersection with East Street; running thence Southerly along said Easterly line of East Street 73.50 feet to the land of Mitchell; thence at right angles Easterly along the line of land of

1901

Mitchell 144.25 feet; thence Northerly at right angles 73.50 feet; thence Westerly at right angles 144.25 feet to place of beginning.

The condition of said property is that it is improved with a dwelling, fence and well.

The value of said property is $500.00

Dec. 31 Order to Show Cause on Friday January 31, 1902 why an Order of Sale of Real Estate should not be made and directing publication of a copy of this order in The San Jose Herald, at least four successive weeks, made, entered and filed.

P. R. 68, page 396.

1902

Jan. 31 Affidavit of E. S. Coalman, principal clerk of the printers of the San Jose Herald, of Publication of Order to Show Cause on Friday January 31, 1902 why an Order of Sale of Real Estate should not be made in said newspaper for four successive weeks, from the 1st day of January 1902 to the 30th day of January 1902 both dates inclusive, that is to say, every day, to wit: January 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 27, 28, 29 and 30, 1902, Sundays January 5, 12, 19 and 26 1902 excepted, that being as often during said period as said newspaper was regularly issued, filed.

Jan. 31 Order of Sale of Real Estate made, entered and filed.

P. R. 47, page 284.

1902

Ordered, Adjudged and Decreed that said Amanda E. Davis, the Administratrix of the Estate if said deceased, be and she is hereby authorized to sell at private sale either in one parcel or in subdivisions as the said Administratrix shall judge most beneficial to said estate, the real estate belonging to said estate hereinafter described, to the highest bidder for cash.

That no additional bond be required.

The following is the real estate hereby authorized to be sold, being situate in the County of Santa Clara, State of California and described as follows:

Beginning at a point on the Easterly line of East Street distant 73.50 feet Southerly from the Southerly line of San Fernando Street at its intersection with the Easterly line of East Street; running thence Southerly along said Easterly line of East Street 73.50 feet to the land of Mitchell, running thence at right angles Easterly along the line of land of Mitchell 144.25 feet; thence Northerly at right angles 73.50 feet; thence Westerly at right angles 144.25 feet to the place of beginning.

Done in open Court January 31,1902.

(Sgd) M. H. Hyland, Judge.

June 19

Order appointing H. W. McComas, E. W. Clayton, and Patrick Fitzpatrick, Appraisers, made, entered and filed.

P.R. 54, page 601.

1903

Jan. 20 Return of Sale of Real Estate and Petition for Order of Confirmation filed.

Amanda E. Davis, Administratrix of the Estate of Caroline Madden, deceased, make the following return of her proceedings under the order of this Court, dated January 31, 1902 authorizing said Administratrix to sell certain real estate and reports as follows:

That in pursuance of said Order of sale, she caused notice of the time and place of holding such sale to be posted up in three of the most public places in the County of Santa Clara in which the land ordered to be sold is situated, and to be published in the San Jose Daily Herald, a newspaper printed and published in the same County, for three weeks successively next before such sale, in which notice the lands and tenements to be sold were described with common certainty; all of which will also and more fully appear by the Affidavits marked respectively "A" and "B" hereunto annexed and made a part of this return.

That at the time and place specified in such notice, said Administratrix received bids for said real estate and the highest and best bid received was that of Wesley Pieper, who bid the sum of $550.00 for said real estate and his bid being accepted, on July 5, 1902 he became on said day the purchaser of, subject to confirmation by this Court, the real estate described in said order of

1903

Sale and in said notice.

That said sale was legally and fairly conducted; that as said Administratrix believes the sum bid is not disproportionate to the value of the property sold, and that a sum exceeding such bid at least 10% exclusive of the expenses of a new sale cannot be obtained.

That no additional bond was required on such sale.

Prays for an order confirming said sale and directing conveyances to be executed to the said purchaser, conveying all the right, title interest and estate of said intestate in said premises at the time of her death, and all the right, title and interest of said estate in the same, or that such other of further order may be made as is meet in the premises.

Dated January 19, 1903.

(Sgd) Amanda E. Davis,
Administratrix of the Estate of
Caroline Madden, deceased.

(Duly Verified)

Annexed to and forming a part of foregoing Return are Exhibits "A" and "B".

Exhibit "A" is Affidavit of C. L. Witten, that on February 3, 1902 he posted a true, full and correct copy of the annexednotice of the time and place of holding the sale of real estate, ordered by the Superior Court of said County of Santa Clara in the matter of said estate, in three of

1903

of the most public places in said County of Santa Clara (naming them)

Note: The Notice of Sale of Real Estate referred to in foregoing Affidavit as being "annexed" shows: That Amanda E. Davis, Administratrix of the Estate of Caroline Madden, Deceased under authority of an order of sale granted by the Superior Court of the County of Santa Clara, State of California on January 31,1902 will sell at private sale that tract of land being in the County of Santa Clara, State of California, described as follows:

(Same as in the Orderof sale of January 31, 1902) on or after February 21, 1902 and that bids in writing will be received at the office of C. L. Witten, Dougherty Building, San Jose, California.

Exhibit "B" is Affidavit of E. S. Coalman principal clerk of the San JoseHerald, of Publication of a true, full and correct copy of the annexed notice of the time and place of holding the sale of real estate ordered by the Superior Court of said County of Santa Clara in the matter of said estate on January 31,1902 in said newspaper for three weeks successively next before the day of sale mentioned in said notice, and as often during the period of said three successive weeks as the said paper was regularly issued, to wit: February 3, 1902, to February 20,1902 inclusive, that being as often as said paper was regularly issued during said period, Sundays, excepted.

1903	Note: The Notice of Sale of Real Estate referred to in foregoing Affidavit as being "annexed" is a fac simile of that attached to and forming a part of the Affidavit marked Exhibit "A"
Jan. 20	Clerk's Notice showing appointment of January 30, 1903 for hearing upon said Return of Sale of Real Estate and Petition for Order of Confirmation filed.
Jan. 21	Affidavit of Wm. T. Aggeler of Posting on January 20, 1903 e xact and true copies of the Notice of Time and Place appointed for hearing upon said Return of Sale of Real Estate and Petition for Order of Confirmation in three of the most public places in said County of Santa Clara, (naming them) filed.
Jan. 30	Inventory and Appraisement filed. Real Estate. That certain lot of land with the improvements thereon described as Commencing at a point on the Easterly line of East Street distant 73.50 feet Southerly from the Southerly line of San Fernando Street at its intersection with the Easterly line of East Street; running thence Southerly along the said Easterly line of East Street 73.50 feet more or less to the land of Mitchell running thence Easterly at right

1903

angles along the land of Mitchell 144.25 feet running thence Northerly at right angles 73.50 feet more or less; running thence Westerly at right angles 144.25 feet to the place of beginning.

Appraised at $500.00

Total appraised value of estate $500.00

All of the estate mentioned in the foregoing Inventory is separate property.

(Duly Verified)

Jan. 30 Order continuing hearing upon Return of Sale of Real Estate &c. one week made, and entered.

P. R. 71, page 325.

Feb. 6 Order continuing hearing upon Return of Sale of Real Estate &c. one week, made and entered.

P. R. 71,page332.

Feb. 13 Order confirming sale of Real Estate. made entered and filed.

P. R. 68, page 84.

Ordered, Adjudged and Decreed that the said sale of all that parcel of land situate in the County of Santa Clara, State of California, described as follows:

(Same as in the Order of Sale of January 31, 1902)

to Wesley Pieper for the sum of $550.00, be, and the same is hereby confirmed and approved,

1903

and the proper and legal conveyances of all said real e state are hereby directed tobe executed to said purchaser by said Administratrix.

Done in open Court February 13, 1903.

(Sgd) M. H. Hyland,

Superior Judge.

T A X E S

S T A T E AND C O U N T Y.

E. East 73.50 S. San Fernando S. 73.50 x 144. 25.

Fiscal Years

1901-1902 Paid

1902-1903 On Land 1st Installment Paid.

2nd Installment due and payable.

On Mortgage Interest Both Installments Paid.

N O J U D G M E N T L I E N S.

The foregoing ABSTRACT consisting of pages 1 to 20 inclusive, made at SAN JOSE, CALIFORNIA, FEBRUARY SEVENTEENTH 1903 at Nine o'Clock A.M.

SAN JOSE ABSTRACT COMPANY.

By D C Edwards

Manager.